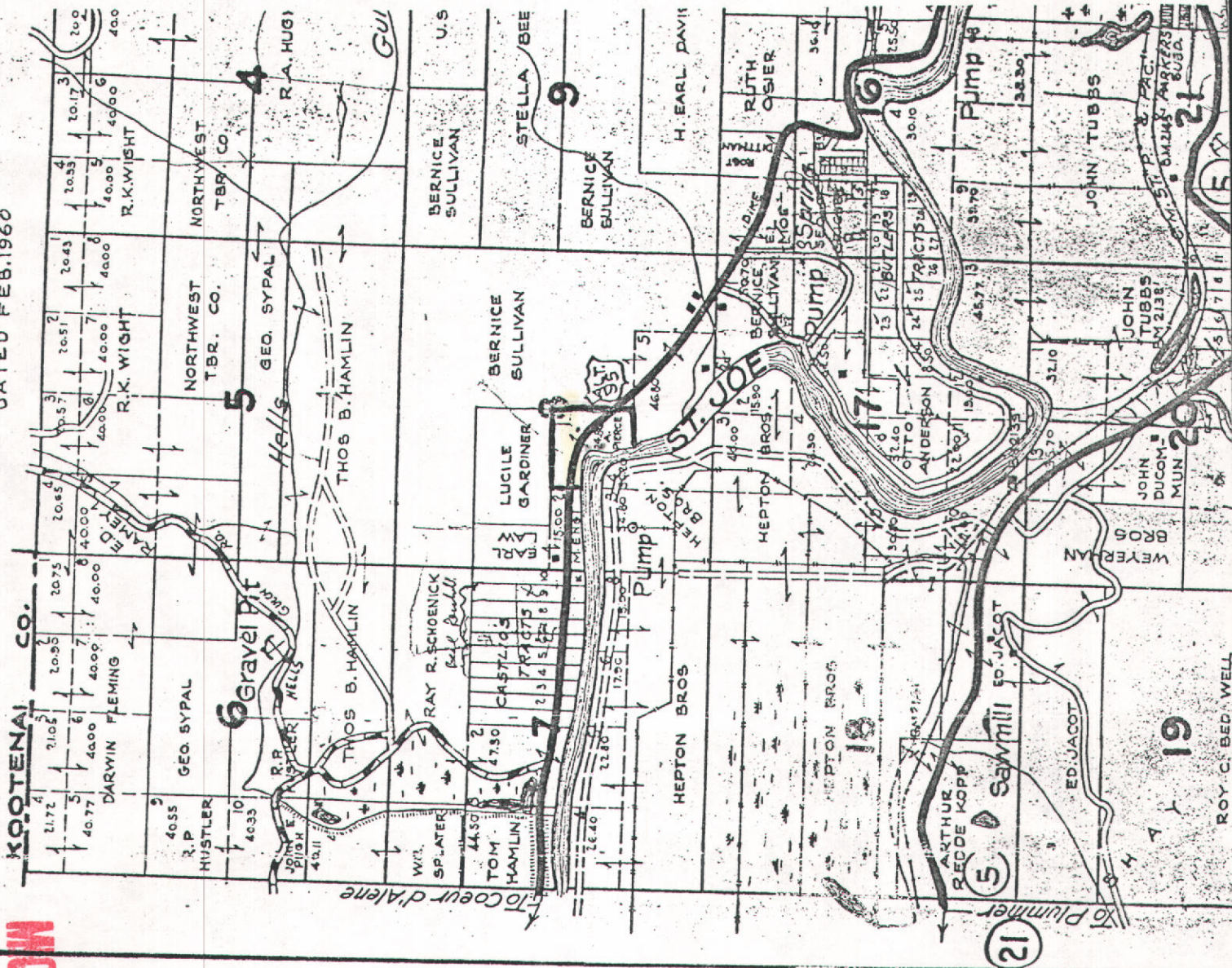
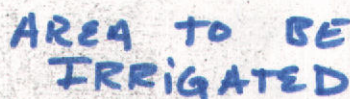


# MECROFILM

KOQ TENAI CO.



Date: Oct., 1970



RECEIVED

JUN 9 1983

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT

Department of Water Resources  
District Office

Northern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

**The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.**

Notice is hereby given that Duane L. Pierce

(Name of Claimant)

Rte 2 Box 68

St. Maries Idaho 83861

Telephone No. 245-3979

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 3/1/67

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

St. Joe River

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, af) |                 | (Domestic, Irrigation, Stock, Etc.) |                   | (Both Dates Inclusive) |                              |
|-----------|-----------------|-------------------------------------|-------------------|------------------------|------------------------------|
| Quantity  |                 | Use                                 |                   | (Mo., Day)             | (Mo., Day)                   |
| Quantity  | <u>.04 cfs</u>  | Use                                 | <u>Domestic</u>   | Period of Use From     | <u>01/01</u> To <u>12/31</u> |
| Quantity  |                 | Use                                 |                   | Period of Use From     | To                           |
| Quantity  | <u>.02 cfs</u>  | Use                                 | <u>IRRIGATION</u> | Period of Use From     | <u>06/01</u> To <u>09/30</u> |
| Quantity  |                 | Use                                 |                   | Period of Use From     | To                           |
| Quantity  | <u>.002 cfs</u> | Use                                 | <u>Stockwater</u> | Period of Use From     | <u>01/01</u> To <u>12/31</u> |
| Quantity  |                 | Use                                 |                   | Period of Use From     | To                           |

- (4) 062 CFS TOTAL QUANTITY USED.

(cfs. af)

- (5) A. Point of diversion: (Location of point where water is diverted from its source)

~~NE~~  $\frac{1}{4}$  ~~SW~~  $\frac{1}{4}$ , Sec. 8 Twp. 46N Rge. 2W B.M., County of *Benewah*

Additional points of diversion: *none*

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Jet Daxton 2hp 1750 RPM Pipe size 2" plastic pipe.

length  $\approx 30'$

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 3 acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: family garden irrigation and to water family livestock (1 few sheep, 2 pigs, one goat and horses) and one four bedroom house mainly for clothes washing, dish washing and toilets.

NOTE: Include here the type and number of stock watered: 6 sheep, 2 pigs, 1 goat, 1 horse

- (7) If you are claiming water as a member of an organization, list name of organization:

N.A.

**MICROFILMED**

|         |                         |
|---------|-------------------------|
| Remarks | Attached are affidavits |
|---------|-------------------------|

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Blaine ) ss. )  
 )  
 )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

day of 24 June

61

Notary Public  
Residing at  
Att. Brown, 4444  
Stanley Street

2-1987

Date \_\_\_\_\_

Date 6/1/85

Date 6/14/95

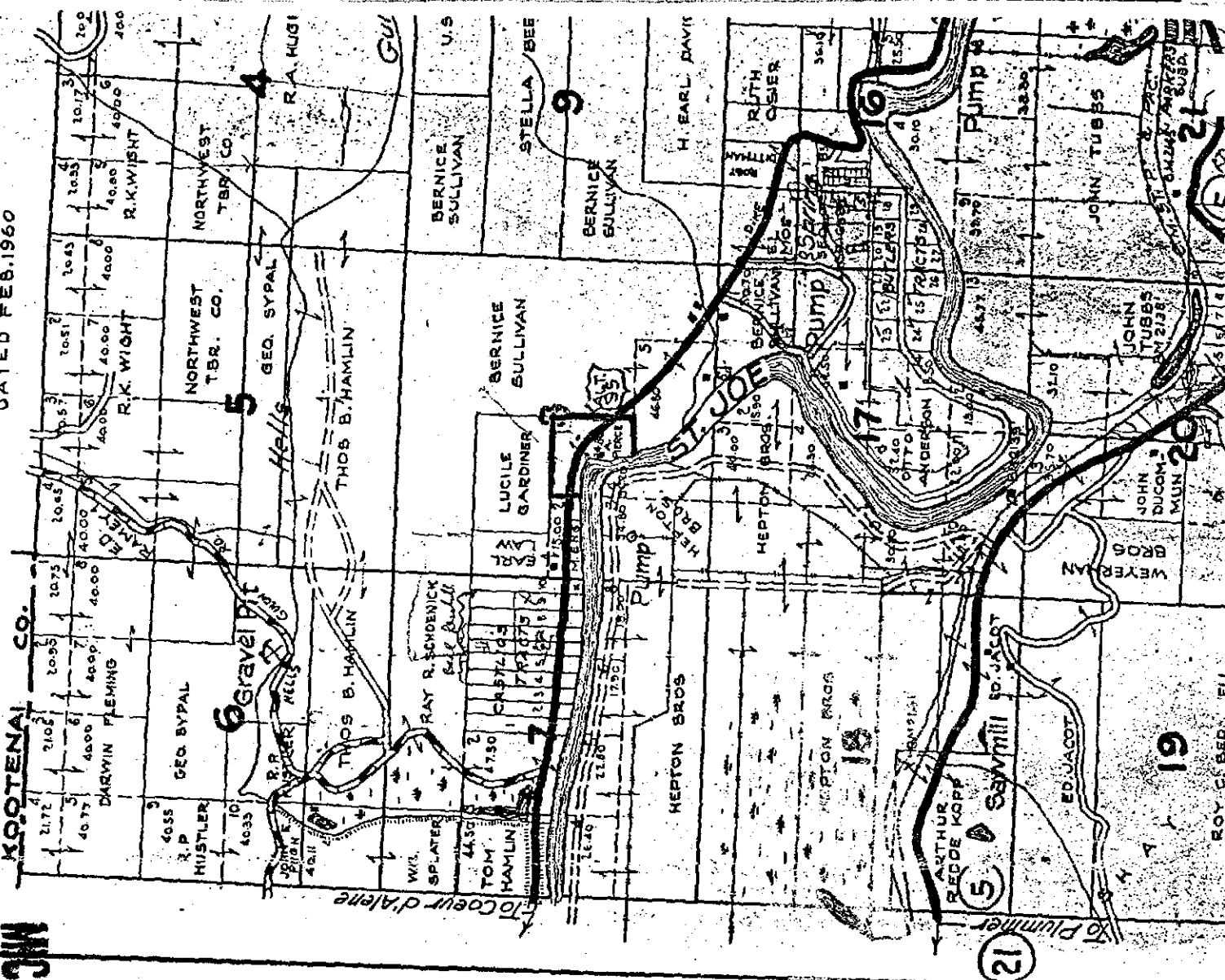
Date 2/16/83

2/10/20

20183

# MICROFILM

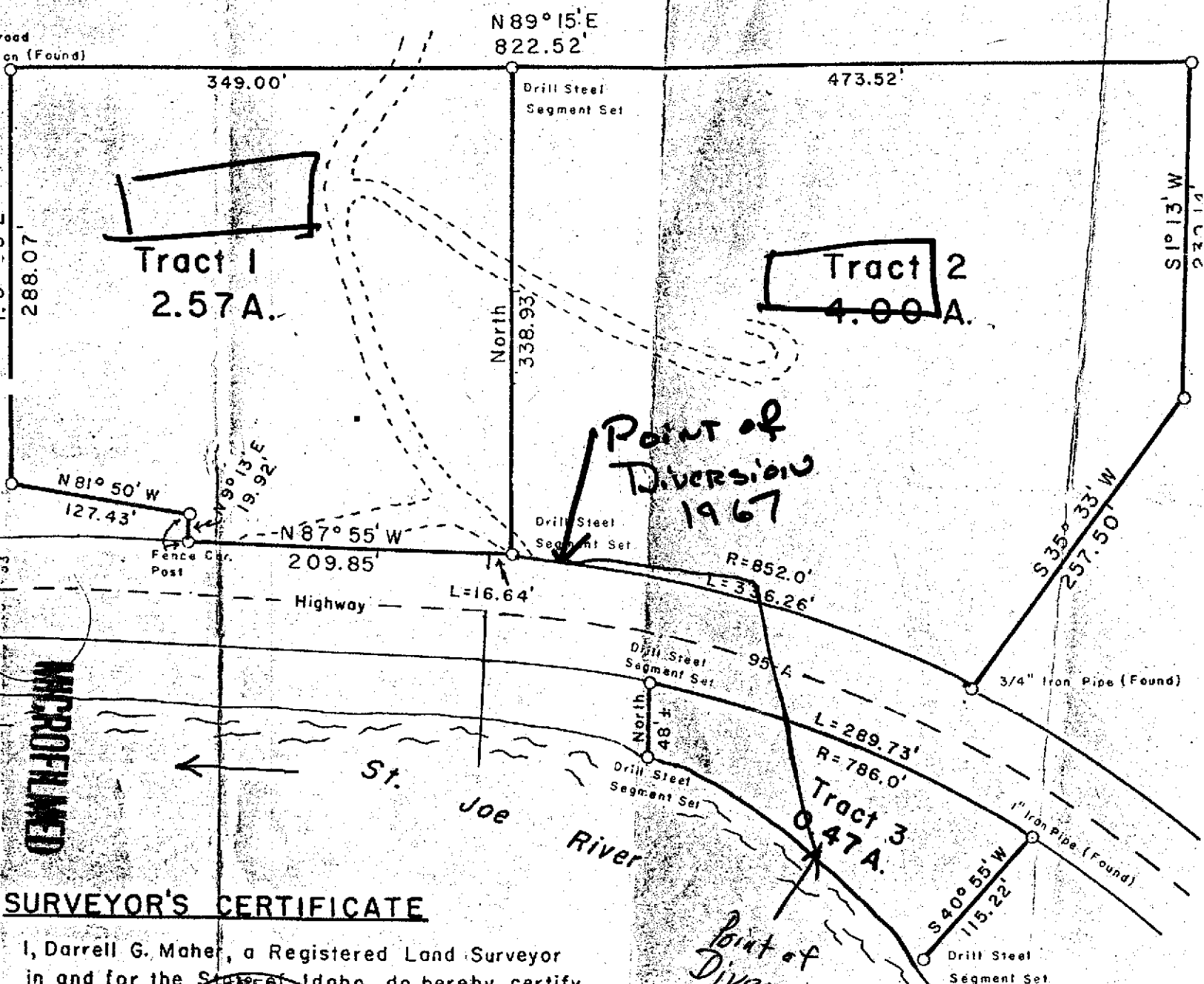
INTEL-OX



# Plat of A Portion of Lot 1, Sec. 8, Twp. 46 N., Rg. 2 W., B.M.

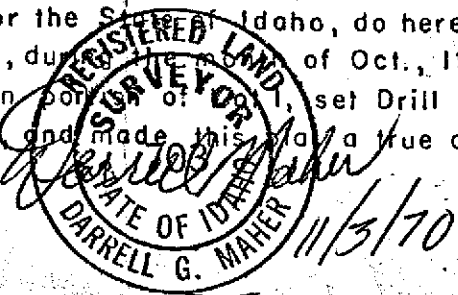
Scale: 1" = 100'

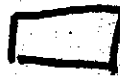
Date: Oct., 1970



## SURVEYOR'S CERTIFICATE

I, Darrell G. Maher, a Registered Land Surveyor in and for the State of Idaho, do hereby certify that I did, during the month of Oct., 1970, survey the shown portion of the above described land, set Drill Steel segments as shown, and made this map a true copy thereof.



 AREA TO BE IRRIGATED

I swear to the best of my knowledge that the following  
is true Archie Pierce, had taken water

from the point designated on the attached  
map prior to 1952 to water stock  
and for domestic use. His son  
Duane Pierce, has continued this  
use and installed a pump at  
that point in 1967. I know this  
because I have lived on the  
adjoining property since August  
of 1952.

My name is Edward M. Fullwood, MD  
I live at Rte # Bx 52 St. Maries, Idaho  
83861

State Of Idaho

County of Benewah.

Sworn to before me this 25 day of May 1983.

Notary Public Stanley Shipp  
Residing at St. Maries, Idaho

My Commission Expires: 2-1987

**MICROFILMED**

I swear to the best of my knowledge that the following  
is true

I have been a neighbor of  
the Pierce family for 30 years.  
I have always been aware that  
they have used river water for  
domestic use such as garden  
and to water family stock

My name is Bessie L. Sullivan

I live at Route 2 Box 52 St. Maries, Idaho

State of Idaho  
County of Benewah

Sworn to before me this 25 of May 1983

Notary Public  
Residing at

Stanley Shipp  
St. Maries, Idaho

My Commission expires: 2-1987

MACROFILMED

I swear to the best of my knowledge that the following  
is true

I have been a neighbor  
to the Pierces since 1957.

I have always been aware  
that both Archie Pierce  
and his son have used  
river water for their  
garden and live stock.

I know this because  
I've been their neighbor.

My name is M. E. McGee.

I live at RT 2 Box 77, St. Maries, Idaho 83861

State of Idaho  
County of Benewah

Sworn to before me this 25th of May 1983

Notary Public

Residing at:

Stanley Shipp  
St. Maries, Idaho

My commission expires 2-1987

RECORDED

I swear to the best of my knowledge that the following  
is true

that the Pierce family use  
river water for their livestock  
and irrigation. I have lived  
neighbors to the Pieves since  
Feb. 1946.

My name is

Lucille E. Gardner

I live at

Rt 2 Box 68 St. Marica Id.

State of Idaho  
County of Benewah

Sworn to before me this

25th

of

May

1983

Notary Public:

Stanley Shipin

Residing at:

St. Marica, Idaho

My commission expires: 2-1987

REPRODUCTION

Affidavit of Publication

STATE OF IDAHO  
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 22 day of June, 1983 and the last on the 29 day of June, 1983.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this 29th day of June, 1983

Sharon D. Blackburn  
Notary Public in and for Benewah County, Idaho  
Residing at St. Maries, Idaho

RECEIVED

Idaho Department of Water Resources  
Bozeman District Office

Notice of Claims are  
filed by four persons

NOTICE OF CLAIMS  
TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

91-4111

Name: Glenn and-or Emma McLaughlin  
Address: Rt. 2 Box 15, St. Maries, Idaho 83861  
Priority Date: Nov. 15, 1961  
Source: Groundwater  
Point of Diversion: SENE Sec 16 T 46N R 02W  
In: SENE Sec 16 T 46N R 02W for 1 acre  
Use: Irrigation (0.02 cfs); Domestic (0.04 cfs)

91-4112

Name: Donald L. Taylor  
Address: 12002 210th PL. S.E., Issaquah, Wash. 98027  
Priority Date: Jan. 1, 1940  
Source: Hella Gulch Creek tributary to Saint Joe River  
Point of Diversion: NWNW Sec 07 T 46N R 02W  
In: NWNW Sec 07 T 46N R 02W SWSE SESE Sec 01 T 46N R 03W NENE NWNE Sec 12 T 46N R 03W for 152 acres  
Use: Irrigation (3.04 cfs)

91-4113

Name: Duane L. Pierce  
Address: Rt. 2 Box 68, St. Maries, Idaho 83861  
Priority Date: March 1, 1967  
Source: Saint Joe River tributary to Coeur d'Alene Lake  
Point of Diversion: NESW Sec 08 T 46N R 02W  
In: NESW Sec 08 T 46N R 02W for 1 acre  
Use: Irrigation (0.02 cfs); Stockwater (0.0020 cfs); Domestic (0.04 cfs)

91-4114

Name: John F. Darden  
Address: RFD 3, Box 62, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1948  
Source: Spring tributary to Street Creek  
Point of Diversion: SWSW Sec 09 T 46N R 01W  
In: SWSW Sec 09 T 46N R 01W  
Use: Stockwater (0.02 cfs); Domestic (0.06 cfs)

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

KENDUNN, Dir.

No. 7150 — June 22-29.

REPROFILING



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

June 2, 1983

Suite No. 1  
4055 Government Way  
Coeur d'Alene, Idaho 83814  
(208) 667-6484

91-4113

Mr. Duane L. Pierce  
Rt. 2 Box 68  
St. Maries, Id. 83861

Dear Mr. Pierce:

I am returning your Check No. 92-27 in the amount of \$30.00 and your Claim to a Water Right for completion of Item Nos. 4 and 5a and for clarification of the nature of use.

You have listed domestic use in Item No. 3, but have listed no home in Item No. 6b. It appears that you intended to file 0.02 cfs for stock and 0.02 cfs for irrigation. Please clarify this point, complete Item Nos. 4 and 5a and return the claim and \$30.00 fee to this office.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING  
Senior Water Resource Agent

TDK/pms

Enc. - Check  
Claim

P.S. Please sign the form before a notary public before returning to our office.

MICROFILMED

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: sk

Right Number 91-4113 Applicant \_\_\_\_\_

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Claim published correctly.
- ☐ Exceptions processed.

By \_\_\_\_\_ Date \_\_\_\_\_

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/9/83

RECEIVED

RECEIVED  
AUG 8 1983  
Department of Water Resources

91-4113-

PIERCE, DUANE L.

RT. 2 BOX 68, ST. MARIES, ID 83861

Source: SAINT JOE RIVER trib. to COEUR D ALENE LAKE

Priority Date: 03/01/1967

Diversion Pt: NESW Sec 08 T 46N R 02W

|                 |              |
|-----------------|--------------|
| Use: IRRIGATION | (0.02 CFS)   |
| STOCKWATER      | (0.0020 CFS) |
| DOMESTIC        | (0.04 CFS)   |

In: NESW Sec 08 T 46N R 02W FOR 1 ACRES

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Northern Region

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JOHN V. EVANS  
Governor  
A. KENNETH DUNN  
Director

4055 Government Way  
Coeur d'Alene, ID 83814  
(208) 667-6484

JUNE 11, 1983

DUANE L. PIERCE  
RT. 2 BOX 68  
ST. MARIES

ID 83861

RE: Claim No. 91-4113

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.  
Regional Supervisor

Enclosure